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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-md-05944-SC (N.D. Cal.)

MDL No. 1917

This Document Relates to: Individual Case
No. 13-cv-2171 (SC)

DELL INC. AND DELL PRODUCTS L.P.,

PLAINTIFFS,

v.

HITACHI, LTD., *ET AL.*,

DEFENDANTS.

**DECLARATION OF MATTHEW D. KENT IN
SUPPORT OF ADMINISTRATIVE MOTION
TO FILE DOCUMENTS UNDER SEAL**

1 I, **MATTHEW D. KENT**, declare as follows:

2 1. I am a Senior Associate with the law firm of Alston & Bird LLP, counsel for Plaintiffs
3 Dell Inc. and Dell Products L.P. (collectively, “Dell”) in the above-captioned action currently pending
4 in the U.S. District Court for the Northern District of California. I submit this declaration in support of
5 Dell’s Administrative Motion to File Documents under Seal, related to Dell’s Opposition to
6 Defendants’ Motion for Partial Summary Judgment Against Dell on Statute of Limitations Grounds
7 (“Dell’s Opposition Brief”). I have personal knowledge of the facts stated herein, and I could and
8 would competently testify thereto if called as a witness.

9 2. I am a member in good standing of the State Bar of Georgia and am admitted to practice
10 before the U.S. District Court for the Northern District of Georgia. I have also been admitted to this
11 Court *pro hac vice* as counsel for Dell pursuant to the Court’s Pretrial Order No. 1 in the MDL
12 Proceeding.

13 3. Pursuant to Civil Local Rules 7-11 and 79-5, and in accordance with this Court’s
14 General Order No. 62, effective May 10, 2010, Dell, by and through its counsel, respectfully request an
15 Order permitting it to file under seal portions of the Dell’s Opposition to Defendants’ Motion for
16 Partial Summary Judgment Against Dell on Statute of Limitations Grounds and Exhibits 1 through 36,
17 and 39 through 58 to the Declaration of Debra D. Bernstein in Support of Dell’s Opposition to
18 Defendants’ Motion for Partial Summary Judgment Against Dell on Statute of Limitations Grounds
19 (the “Bernstein Declaration”).

20 4. **Exhibit 1** to Bernstein Declaration is a true and correct copy of excerpts from the
21 deposition transcripts of Chih Chin Liu, designated by Defendants as “Highly Confidential” under the
22 protective order.

23 5. **Exhibit 2** to the Bernstein Declaration is true and correct copies of is a true and correct
24 copy of excerpts from the deposition transcripts of Sheng-Jen Yang, designated by Defendants as
25 “Highly Confidential” under the protective order.

26 6. **Exhibit 3** to the Bernstein Declaration is a true and correct copy of a document
27 produced by Chunghwa Picture Tubes, and a certified English translation of the same, bearing bates
28

1 numbers CHU00102864 – CHU00102865, designated by Defendants as “Confidential” under the
2 protective order.

3 **7. Exhibit 4** to the Bernstein Declaration is a true and correct copy of a document
4 produced by Chunghwa Picture Tubes, bearing bates numbers CHU00647932 – CHU00647943,
5 entered as Exhibit 1227 at the deposition of Chih Chun Liu, designated by Defendants as
6 “Confidential” under the protective order.

7 **8. Exhibit 5** to the Bernstein Declaration is a true and correct copy of a document
8 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
9 SDCRT-0005830 – SDCRT-0005842, entered as Exhibit 713 at the deposition of Michael Son,
10 designated by Defendants as “Highly Confidential” under the protective order.

11 **9. Exhibit 6** to the Bernstein Declaration is a true and correct copy of a document
12 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
13 SDCRT-0086490 – SDCRT-0086492, designated by Defendants as “Highly Confidential” under the
14 protective order.

15 **10. Exhibit 7** to the Bernstein Declaration is a true and correct copy of a document
16 produced by Samsung SDI, bearing bates numbers SDCRT-0091692 – SDCRT-0091701, designated by
17 Defendants as “Highly Confidential” under the protective order.

18 **11. Exhibit 8** to the Bernstein Declaration is a true and correct copy of a document
19 produced by Chunghwa Picture Tubes, and a certified English translation of the same, bearing bates
20 numbers CHU00028705 – CHU00028706, designated by Defendants as “Confidential” under the
21 protective order.

22 **12. Exhibit 9** to the Bernstein Declaration is a true and correct copy of a document
23 produced by Chunghwa Picture Tubes, and a certified English translation of the same, bearing bates
24 numbers CHU00578883 – CHU00578885, entered as Exhibit 1871 at the deposition of Jin Kang Jung,
25 designated by Defendants as “Confidential” under the protective order.

26 **13. Exhibit 10** to the Bernstein Declaration is a true and correct copy of a document
27 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
28 0400579– 0400580, designated by Defendants as “Confidential” under the protective order.

1 14. **Exhibit 11** to the Bernstein Declaration is a true and correct copy of a document
2 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
3 0410018, and MTPD0410020 – MTPD0410021, entered as Exhibits 1797 and 1798 at the deposition
4 of Yasuki Yamamoto, designated by Defendants as “Confidential” under the protective order.

5 15. **Exhibit 12** to the Bernstein Declaration is a true and correct copy of a document
6 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
7 0423675 – MTPD-0423677, designated by Defendants as “Confidential” under the protective order.

8 16. **Exhibit 13** to the Bernstein Declaration is a true and correct copy of a document
9 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
10 0493549 – MTPD-0493550, designated by Defendants as “Confidential” under the protective order..

11 17. **Exhibit 14** to the Bernstein Declaration is a true and correct copy of a document
12 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
13 SDCRT-0086449 – SDCRT-0086454, designated by Defendants as “Highly Confidential” under the
14 protective order.

15 18. **Exhibit 15** to the Bernstein Declaration is a true and correct copy of a document
16 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
17 SDCRT-0086532 – SDCRT-0086536, designated by Defendants as “Highly Confidential” under the
18 protective order.

19 19. **Exhibit 16** to the Bernstein Declaration is a true and correct copy of a document
20 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
21 SDCRT-0086557 – SDCRT-0086560, entered as Exhibit 1528 at the deposition of Duck Yun Kim,
22 designated by Defendants as “Highly Confidential” under the protective order.

23 20. **Exhibit 17** to the Bernstein Declaration is a true and correct copy of a document
24 produced by Toshiba, and a certified English translation of the same, bearing bates number TSB-CRT-
25 00035348 – TSB-CRT-00035349, designated by Defendants as “Highly Confidential” under the
26 protective order.

27 21. **Exhibit 18** to the Bernstein Declaration is a true and correct copy of a document
28 produced by Toshiba, and a certified English translation of the same, bearing bates numbers TSB-CRT-

00039829 – TSB-CRT-00039832, designated by Defendants as “Highly Confidential” under the protective order.

22. **Exhibit 19** to the Bernstein Declaration is a true and correct copy of a document produced by Chunghwa Picture Tubes, bearing bates numbers CHU00660717 – CHU00660727, entered as Exhibit 1225 at the deposition of Chih Chun Liu, designated by Defendants as “Confidential” under the protective order.

23. **Exhibit 20** to the Bernstein Declaration is a true and correct copy of a document produced by Chunghwa Picture Tubes, bearing bates numbers CHU00648685, designated by Defendants as “Confidential” under the protective order.

24. **Exhibit 21** to the Bernstein Declaration is a true and correct copy of a document produced by Chunghwa Picture Tubes, bearing bates numbers CHU00648741, designated by Defendants as “Confidential” under the protective order.

25. **Exhibit 22** to the Bernstein Declaration is a true and correct copy of a document produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers SDCRT-090280 – SDCRT-090282, entered as Exhibit 640 at the deposition of In Hwan Song, designated by Defendants as “Highly Confidential” under the protective order.

26. **Exhibit 23** to the Bernstein Declaration is a true and correct copy of a document produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-0035375 – MTPD-0035376, designated by Defendants as “Confidential” under the protective order.

27. **Exhibit 24** to the Bernstein Declaration is a true and correct copy of a document produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-0492286 – MTPD-0492289, designated by Defendants as “Confidential” under the protective order.

28. **Exhibit 25** to the Bernstein Declaration is a true and correct copy of a document produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers SDCRT-0086672-SDCRT-0086674, designated by Defendants as “Highly Confidential” under the protective order.

29. **Exhibit 26** to the Bernstein Declaration is a true and correct copy of a document produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers

SDCRT-0090319 – SDCRT-0090321, designated by Defendants as “Highly Confidential” under the protective order.

30. **Exhibit 27** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the August 6, 2014, Deposition of Martin Garvin, designated by Dell as “Highly Confidential” under the protective order. Exhibit 27 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

31. **Exhibit 28** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the August 27, 2014, Deposition of Gerry Smith, designated by Dell as “Highly Confidential” under the protective order. Exhibit 28 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

32. **Exhibit 29** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the August 8, 2014, Deposition of Angela Ford, designated by Dell as “Highly Confidential” under the protective order. Exhibit 29 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

33. **Exhibit 30** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the August 15, 2014, Deposition of Glenn Neland, designated by Dell as “Highly Confidential” under the protective order. Exhibit 30 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

34. **Exhibit 31** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the August 22, 2014, Deposition of Thomas McGinty “Mac” Stringfellow, designated by

Dell as “Highly Confidential” under the protective order. Exhibit 31 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

35. **Exhibit 32** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the August 23, 2014, Deposition of Jon Melnick, designated by Dell as “Highly Confidential” under the protective order. Exhibit 32 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

36. **Exhibit 33** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the August 13, 2014, Deposition of Dennis Selman, designated by Dell as “Highly Confidential” under the protective order. Exhibit 33 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

37. **Exhibit 34** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the September 3, 2014, Deposition of Shutuan Lillie, designated by Dell as “Highly Confidential” under the protective order. Exhibit 34 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

38. **Exhibit 35** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the August 28, 2014, Deposition of Ricky E. Ratley, designated by Dell as “Highly Confidential” under the protective order. Exhibit 35 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

39. **Exhibit 36** to the Bernstein Declaration is a true and correct copy of portions of the Transcript of the September 9, 2014, Deposition of Julie French, designated by Dell as “Highly Confidential” under the protective order. Exhibit 36 contains detailed information regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of its business partners. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

40. **Exhibit 39** to the Bernstein Declaration is a true and correct copy of a document produced by Dell, bearing bates number DELL-CRT-00103347, entered as Exhibit 5091 at the deposition of Angela Ford, designated by Dell as “Highly Confidential” under the protective order. Exhibit 39 is a Dell internal email chain that contains information about Dell’s internal operations and processes. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

41. **Exhibit 40** to the Bernstein Declaration is a true and correct copy of a document produced by Dell, bearing bates numbers DELL-LCD00000698 – DELL-LCD00000704, entered as Exhibit 5093 at the deposition of Angela Ford, designated by Dell as “Highly Confidential” under the protective order. Exhibit 40 is an internal Dell report that contains information about Dell’s procurement operations and processes. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

42. **Exhibit 41** to the Bernstein Declaration is a true and correct copy of a document produced by Dell, bearing bates numbers DELL-CRT-00103345 – DELL-CRT-00103346, entered as Exhibit 5092 at the deposition of Angela Ford, designated by Dell as “Highly Confidential” under the protective order. Exhibit 41 is a Dell internal email chain that contains information about Dell’s internal operations and processes. Dell considers this information to be confidential and sensitive business information, the public disclosure of which would be harmful to Dell.

43. **Exhibit 42** to the Bernstein Declaration is a true and correct copy of a document produced by Dell, bearing bates numbers DELL-CRT-00103333 – DELL-CRT-00103336, entered as Exhibit 4993 at the deposition of Martin Garvin, designated by Dell as “Highly Confidential” under the protective order. Exhibit 42 is a Dell internal email chain that contains information about Dell’s

1 internal operations and processes. Dell considers this information to be confidential and sensitive
2 business information, the public disclosure of which would be harmful to Dell.

3 44. **Exhibit 43** to the Bernstein Declaration is a true and correct copy of portions of the
4 Transcript of the October 27, 2014 deposition of Kenneth G. Elzinga, Ph.D., designated by Dell as
5 “Highly Confidential” under the protective order because it discusses information produced by
6 Defendants that was designated as “Highly Confidential” or “Confidential.”

7 45. **Exhibit 44** to the Bernstein Declaration is a true and correct copy of Exhibit 3 to the
8 Expert Report of Dr. Kenneth G. Elzinga, April 15, 2014, designated by Dell as “Confidential” or
9 “Highly Confidential” under the protective order because it relies on information produced by
10 Defendants that was designated as “Highly Confidential” or “Confidential.”

11 46. **Exhibit 45** to the Bernstein Declaration is a true and correct copy of a document
12 produced by Dell, bearing bates numbers DELL-LCD00000535 – DELL-LCD00000537, entered as
13 Exhibit 5090 at the deposition of Angela Ford, designated by Dell as “Highly Confidential” under the
14 protective order. Exhibit 45 is a Dell email chain that contains information about Dell’s internal
15 operations and processes. Dell considers this information to be confidential and sensitive business
16 information, the public disclosure of which would be harmful to Dell.

17 47. **Exhibit 46** to the Bernstein Declaration is a true and correct copy of a document
18 produced by Dell, bearing bates number DELL-CRT-00100758, entered as Exhibit 5089 at the
19 deposition of Angela Ford, designated by Dell as “Highly Confidential” under the protective order.
20 Exhibit 46 is a Dell internal email chain that contains information about Dell’s internal operations and
21 processes. Dell considers this information to be confidential and sensitive business information, the
22 public disclosure of which would be harmful to Dell.

23 48. **Exhibit 47** to the Bernstein Declaration is a true and correct copy of a document
24 produced by Dell, bearing bates number DELL-CRT-00102738 – DELL-CRT-00102741, entered as
25 Exhibit 5094 at the deposition of Angela Ford, designated by Dell as “Highly Confidential” under the
26 protective order. Exhibit 47 is a Dell email chain that contains information about Dell’s internal
27 operations and processes. Dell considers this information to be confidential and sensitive business
28 information, the public disclosure of which would be harmful to Dell.

1 49. **Exhibit 48** to the Bernstein Declaration is a true and correct copy of a document
2 produced by Dell, bearing bates number DELL-LCD00000705 – DELL-LCD00000707, entered as
3 Exhibit 5200 at the deposition of Dennis Selman, designated by Dell as “Highly Confidential” under
4 the protective order. Exhibit 48 is a Dell internal email chain that contains information about Dell’s
5 internal operations and processes. Dell considers this information to be confidential and sensitive
6 business information, the public disclosure of which would be harmful to Dell.

7 50. **Exhibit 49** to the Bernstein Declaration is a true and correct copy of a document
8 produced by Dell, bearing bates number DELL-00822069 – DELL-00822070, entered as Exhibit 6071
9 at the deposition of Shutuan Lillie, designated by Dell as “Highly Confidential” under the protective
10 order. Exhibit 49 is a Dell internal email chain that contains information about Dell’s internal
11 operations and processes. Dell considers this information to be confidential and sensitive business
12 information, the public disclosure of which would be harmful to Dell.

13 51. **Exhibit 50** to the Bernstein Declaration is a true and correct copy of a document
14 produced by Dell, bearing bates number DELL-CRT-00032685 – DELL-CRT-00032686, entered as
15 Exhibit 5205 at the deposition of Dennis Selman, designated by Dell as “Highly Confidential” under
16 the protective order. Exhibit 50 is a Dell internal email chain that contains information about Dell’s
17 internal operations and processes. Dell considers this information to be confidential and sensitive
18 business information, the public disclosure of which would be harmful to Dell.

19 52. **Exhibit 51** to the Bernstein Declaration is a true and correct copy of a document
20 produced by Dell, bearing bates numbers DELL-LCD00000673 – DELL-LCD00000692, entered as
21 Exhibit 4991 at the deposition of Martin Garvin, designated by Dell as “Highly Confidential” under the
22 protective order. Exhibit 51 is a Dell PowerPoint Presentation that contains information about Dell’s
23 internal operations and processes. Dell considers this information to be confidential and sensitive
24 business information, the public disclosure of which would be harmful to Dell.

25 53. **Exhibit 52** to the Bernstein Declaration is a true and correct copy of a document
26 produced by Dell, bearing bates number DELL-CRT-00101656, entered as Exhibit 6084 at the
27 deposition of Julie French, designated by Dell as “Highly Confidential” under the protective order.
28 Exhibit 52 is a Dell internal email chain and PowerPoint that contains information about Dell’s internal

1 operations and processes. Dell considers this information to be confidential and sensitive business
2 information, the public disclosure of which would be harmful to Dell.

3 54. **Exhibit 53** to the Bernstein Declaration is a true and correct copy of a document
4 produced by Dell, bearing bates number DELL-CRT-00048466 – DELL-CRT-00048467.00035,
5 entered as Exhibit 5077 at the deposition of Angela Ford, designated by Dell as “Confidential” or
6 “Highly Confidential” under the protective order. Exhibit 53 is a Dell internal email chain that
7 contains information about Dell’s internal operations and processes. Dell considers this information to
8 be confidential and sensitive business information, the public disclosure of which would be harmful to
9 Dell.

10 55. **Exhibit 54** to the Bernstein Declaration is a true and correct copy of portions of the
11 Transcript of the June 2, 2014, 30 (b)(6) Deposition of Dell Plaintiffs, Julie French, designated by Dell
12 as “Highly Confidential” under the protective order. Exhibit 54 contains detailed information
13 regarding Dell’s procurement system for CRT monitors and about Dell’s relationships with certain of
14 its business partners. Dell considers this information to be confidential and sensitive business
15 information, the public disclosure of which would be harmful to Dell.

16 56. **Exhibit 55** to the Bernstein Declaration is a true and correct copy of portions of the
17 Transcript of the September 11, 2013 deposition of Jun Yeol Youn, designated by Defendants as
18 “Confidential” or “Highly Confidential” under the protective order.

19 57. **Exhibit 56** to the Bernstein Declaration is a true and correct copy of portions of the
20 Transcript of the January 18, 2013 deposition of Dae Eui Lee, designated by Defendants as
21 “Confidential” or “Highly Confidential” under the protective order.

22 58. **Exhibit 57** to the Bernstein Declaration is a true and correct copy of portions of the
23 Transcript of the July 25 – 26, 2014 deposition of Jae In Lee, designated by Defendants as
24 “Confidential” or “Highly Confidential” under the protective order.

25 59. **Exhibit 58** to the Bernstein Declaration is a true and correct copy of portions of the
26 Transcript of the March 22, 2013 deposition of Sang Kyu Park, designated by Defendants as
27 “Confidential” or “Highly Confidential” under the protective order.
28

1 60. In addition, Dell's Opposition Brief contains references to and/or excerpts from the
2 foregoing documents, including: (1) documents and deposition testimony designated by Defendants as
3 "Confidential" or "Highly Confidential" under the protective order; (2) deposition testimony of Dell
4 witnesses; (3) internal Dell documents produced during this litigation; and (4) and other information
5 Dell considers to be confidential and sensitive. The public disclosure of categories 2-4 enumerated
6 above would be harmful to Dell.

7 61. Accordingly, Dell requests that the documents identified herein (or relevant portion
8 thereof) be filed under seal.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct.

11
12 Executed on December 21, 2014, in Atlanta, Georgia.

13
14 By: /s/ Matthew D. Kent

Matthew D. Kent, Esq. (GA Bar No. 425262)

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